



**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Diane R. Hammerstad **Examiner:** Arthur D. Duran
Application No: 09/768990 **Group Art Unit:** 3622
Filing Date: 01/23/2001 **Confirmation No:** 4199
Title: Delivery Of Time Significant Advertising

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.111

Dear Sir:

In response to the Office Action mailed 05/20/05, please enter the following amendment:

In the Claims:

Please cancel claims 7, 8, and 14-16 and amend claims 1 and 9 as shown in the conventionally marked-up claims attached as Attachment 1. This listing of claims will replace all prior versions, and listings, of claims in this Application.

REMARKS

Examiner has rejected claims 1-8 under 35 U.S.C. 101, believing the claimed invention is directed to non-statutory subject matter. This rejection appears essentially to be a reinstatement of the §101 rejection found in the first office action. In Applicant's response there, Applicant added in claims 1, 6, and 9 a clear reference to a machine, a "server", to explicitly obtain a useful/concrete/tangible result. This was previously acceptable. Applicant does not now understand Examiner's reinstatement. The US